



**VIRTUAL/TELECONFERENCE
DENTISTRY EXAMINING BOARD**
Virtual, 4822 Madison Yards Way, Madison
Contact: Valerie Payne, (608) 266-2112
January 6, 2021

The following agenda describes the issues that the Dentistry Examining Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Dentistry Examining Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Pledge of Allegiance

B. Adoption of Agenda (1-4)

C. Approval of Minutes of November 4, 2020 (5-8)

D. Introductions, Announcements and Recognition

E. Reminders: Conflicts of Interest, Scheduling Concerns

F. Administrative Matters

- 1) Department, Staff and Board Updates
- 2) Election of Officers, Appointment of Liaisons and Alternates, and Delegation of Authorities **(9-16)**
- 3) Annual Policy Review **(17)**
- 4) Board Members – Term Expiration Dates
 - a. Bahr, Lisa – 7/1/2022
 - b. Bistan, Matthew – 7/1/2021
 - c. Govani, Shaheda – 7/1/2022
 - d. Huck, Leonardo – 7/1/2021
 - e. Kaske, Herbert – 7/1/2022
 - f. Myers, Dennis – 7/1/2020
 - g. Pietz, Wendy – 7/1/2021
 - h. Schrubbe, Katherine – 7/1/2022
 - i. Sheild, Peter – 7/1/2022
 - j. Whalen, Diana – 7/1/2020

G. Legislative and Policy Matters – Discussion and Consideration

H. Administrative Rule Matters – Discussion and Consideration (18)

- 1) DE 2 Related to Approved Exam Testing Services – Statement of Scope (19-20)
- 2) DE 11 Related to Anesthesiology – Statement of Scope Sedation Permit Extension (21-22)
- 3) Update on 2021 Biennial Report Related to Requirements Under s. 227.29, Wis. Stats.
- 4) Pending or Possible Rulemaking Projects

I. Review of Request Regarding Testing Alternatives for Initial Licensure – Discussion and Consideration (23-24)

J. COVID-19 – Discussion and Consideration

- 1) Dental Profession Access to Vaccines

K. Report of Recommendations from the Dentistry Examining Board Licensure Forms Committee – Discussion and Consideration

- 1) Dental License Application
- 2) Dental Faculty License Application
- 3) Practicing Without Compensation
- 4) Hygiene/Local Anesthesia/Nitrous
- 5) Forms Update per DE 11 Rule Changes
- 6) Anesthesia

L. Discussion and Consideration of Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

M. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

N. Credentialing Matters

1) Application Review

- a. David Rudziewicz, D.D.S. – Dentistry Application **(25-81)**

O. Division of Legal Services and Compliance (DLSC) Matters

1) Stipulations, Final Decisions and Orders

- a. 19 DEN 003 – Frederick B. Gilbert, D.D.S. **(82-89)**
b. 19 DEN 104 – Edmund J. Jung, D.D.S. **(90-95)**

2) Administrative Warnings

- a. 19 DEN 059 – A.K.A. **(96-97)**
b. 20 DEN 095 – C.A.P. **(98-99)**

3) Case Closing(s)

- a. 18 DEN 100 – M.J.B. **(100-105)**
b. 19 DEN 012 – R.G.D. **(106-111)**
c. 19 DEN 023 – R.J.S.J. **(112-138)**
d. 19 DEN 079 – L.C.T., W.J.O. **(139-145)**
e. 20 DEN 045 – S.A.A. **(146-148)**

P. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

Q. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- R. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate
- S. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: MARCH 3, 2021

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
DENTISTRY EXAMINING BOARD
MEETING MINUTES
NOVEMBER 4, 2020**

PRESENT: Lisa Bahr, RDH; Matthew Bistan, DDS; Shaheda Govani, DDS; Leonardo Huck, DDS; Herbert Kaske, DDS; Dennis Myers (*arrived at 9:04 a.m.*), Wendy Pietz, DDS; Katherine Schrubbe, RDH; Peter Sheild, DDS; Diana Whalen, RDH

STAFF: Valerie Payne, Executive Director; Jameson Whitney, Legal Counsel; Kassandra Walbrun, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff

CALL TO ORDER

Matthew Bistan, Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with nine (9) members present.

(Dennis Myers arrived at 9:04 a.m.)

ADOPTION OF AGENDA

Amendments to the Agenda:

- Under item H. Administrative Rule Matters 2) DE 2 Related to Temporary Licenses – Statement of Scope
 - Amend Temporary Licenses to **Approved Testing Sites**

MOTION: Dennis Myers moved, seconded by Katherine Schrubbe, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 2, 2020

MOTION: Peter Sheild moved, seconded by Lisa Bahr, to approve the Minutes of September 2, 2020 meeting as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Administrative Rules Reporting Under 2017 Wisconsin Act 108

Proposals for 2021 Report

MOTION: Dennis Myers moved, seconded by Herbert Kaske, to designate Kathrine Schrubbe, Lisa Bahr, Diana Whalen, Leonardo Huck, Wendy Pietz, Shaheda Govani, Matthew Bistan, Peter Sheild and Herbert Kaske to serve as liaisons to DSPS staff for drafting a report pursuant to Wis. Stat. s. 227.29 for submission in 2021, relating to administrative rules, and to authorize the Chairperson, or highest-ranking officer, or longest serving member of the board, in order of succession, to approve the report for submission to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

Pending or Possible Rulemaking Projects

MOTION: Wendy Pietz moved, seconded by Dennis Myers, to request DSPS staff draft a Scope Statement revising DE 11, relating to anesthesia Motion carried unanimously.

ACT 262 REPORT ON OPIOID ABUSE

Report Preparation and Due Dates

MOTION: Peter Sheild moved, seconded by Lisa Bahr, to authorize the Chairperson, to approve the 2020 report on opioid abuse required under 2017 Wisconsin Act 262. Motion carried unanimously.

CLOSED SESSION

MOTION: Lisa Bahr moved, seconded by Katherine Schrubbe, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Matthew Bistan, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Lisa Bahr-yes; Matthew Bistan-yes; Shaheda Govani-yes; Leonardo Huck-yes; Herbert Kaske-yes; Dennis Myers-yes; Wendy Pietz-yes; Katherine Schrubbe-yes; Peter Sheild-yes; and Diana Whalen-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:05 p.m.

CREDENTIALING MATTERS

Marc D. Friduss, D.S.S. – Dentistry Application

MOTION: Peter Sheild moved, seconded by Leonardo Huck, to approve the Dental License application of Marc D. Friduss, once all requirements are met. Motion failed unanimously.

MOTION: Peter Sheild moved, seconded by Leonardo Huck, to deny the Dental License application of Mark D. Friduss. Reason for Denial: repeated record of unprofessional conduct and failure to meet minimum standards of safe dental practice cited in DE 5.02(1) and DE 5.02(4). Motion carried unanimously.

David Rudziewicz, D.S.S. – Dentistry Application

MOTION: Dennis Myers moved, seconded by Shaheda Govani, to deny the Dental License application of David Rudziewicz. Reason for Denial: engaging in

any practice which constitutes a substantial danger to the health, welfare or safety of a patient or the public cited in DE 5.02(1). Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Stipulations, Final Decisions and Orders

MOTION: Leonardo Huck moved, seconded by Dennis Myers, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 18 DEN 069 – Janna K. Kawamura, D.D.S.
2. 18 DEN 097 – Jinyoung Kim, D.D.S.
3. 18 DEN 124 – Brian Blocher, D.D.S.
4. 18 DEN 125 – Christopher P. McAboy
5. 18 DEN 135 – Christopher Bergstrom, D.D.S.
6. 18 DEN 136 – Dean Tiboris, D.M.D.
7. 18 DEN 139 – Parimal G. Sapovadia, D.M.D.
8. 19 DEN 001 – David A. Page, D.D.S.
9. 19 DEN 081 – Christopher M. Kania, D.D.S.

Motion carried unanimously.

Administrative Warnings

18 DEN 157 – R.R.

MOTION: Katherine Schrubbe moved, seconded by Lisa Bahr, to issue an Administrative Warning in the matter of R.R., DLSC Case Number 18 DEN 157. Motion carried unanimously.

Case Closings

MOTION: Matthew Bistan moved, seconded by Herbert Kaske, to close the following DLSC Cases for the reasons outlined below:

1. 18 DEN 138 – C.L.E. – No Violation
2. 18 DEN 150 – H.S.C. – No Violation
3. 19 DEN 007 – J.L. – No Violation
4. 19 DEN 015 – A.T.H. – Insufficient Evidence
5. 19 DEN 036 & 19 DEN 084 – A.Y.K. – Prosecutorial Discretion (P5)
6. 20 DEN 012 – A.A.P. – No Violation
7. 20 DEN 017 – J.D. – No Violation
8. 20 DEN 035 – P.J.C. – No Violation

Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Peter Sheild moved, seconded by Diana Whalen, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 12:56 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Dennis Myers moved, seconded by Shaheda Govani, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Peter Sheild, seconded by Leonardo Huck, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:58 p.m.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Megan Glaeser, Bureau Assistant		2) Date When Request Submitted: 16 December 2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: 6 January 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters 1) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: 1) The Board should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities and any proposals for modification of delegations. a. Credentialing Delegations (Questions: Sarah Norberg) b. Monitoring Delegations (Questions: Amy Mayo)			
11) Authorization			
Megan Glaeser		16 December 2020	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

DENTISTRY EXAMINING BOARD

ELECTION RESULTS	
Chairperson	Matthew Bistan
Vice Chairperson	Wendy Pietz
Secretary	Dennis Myers
LIAISON APPOINTMENTS	
Credentialing Liaisons	Lisa Bahr (<i>Dental Hygiene</i>), Wendy Pietz (<i>Dentistry</i>) Alternate: Shaheda Govani
Office of Education and Exams Liaison	Herbert Kaske, Katherine Schrubbe
Monitoring and Professional Assistance Procedure (PAP) Liaison	Peter Sheild
Legislative Liaison	Matthew Bistan
Travel Liaison	Matthew Bistan
PDMP Liaison/ Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g)	Leonardo Huck
Screening Panel Members	Peter Sheild, Dennis Myers, and Katherine Schrubbe
Licensure Forms Committee	Lisa Bahr, Shaheda Govani, Wendy Pietz

Delegation of Authorities

Document Signature Delegations

MOTION: Shaheda Govani moved, seconded by Leonardo Huck, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to

sign documents on behalf of the Board in order to carry out its duties.
Motion carried unanimously.

MOTION: Shaheda Govani moved, seconded by Dennis Myers, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Shaheda Govani moved, seconded by Leonardo Huck, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Monitoring Delegations

MOTION: Shaheda Govani moved, seconded by Peter Sheild, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” as presented in the January 8, 2020 agenda materials. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Peter Sheild moved, seconded by Dennis Myers, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Shaheda Govani moved, seconded by Wendy Pietz, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of OWI/Underage Drinking Determinations

MOTION: Peter Sheild moved, seconded by Leonardo Huck, to delegate authority to DSPS Attorneys and Paralegals to review and approve applicants with one OWI or underage drinking violation which does not substantially relate to the practice of Dentistry or Dental Hygiene. Motion carried unanimously.

Delegation of Faculty License Credentialing Decisions

MOTION: Leonardo Huck moved, seconded by Wendy Pietz, to delegate all faculty license credentialing decisions to the Board's Credentialing Liaisons. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Wendy Pietz moved, seconded by Peter Sheild, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Wendy Pietz moved, seconded by Peter Sheild, to delegate pre-screening decision making authority to the DSPS screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Peter Sheild moved, seconded by Dennis Myers, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education, Continuing Education and/or Examination Delegation(s)

MOTION: Shaheda Govani moved, seconded by Leonardo Huck, to delegate authority to the Office of Education and Examinations Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Shaheda Govani moved, seconded by Leonardo Huck, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Shaheda Govani moved, seconded by Peter Sheild to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Peter Sheild moved, seconded by Dennis Myers, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: Shaheda Govani moved, seconded by Peter Sheild, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

Review of Application Forms and Creation of Forms Committee

MOTION: Peter Sheild moved, seconded by Leonardo Huck, that in order to facilitate the completion of its duties between meetings, the Board delegates authority to the Chairperson to appoint members to the Licensure Forms Committee between meetings as necessary. Motion carried unanimously.

MOTION: Wendy Pietz moved, seconded by Leonardo Huck, to delegate authority to the Chairperson of the Licensure Forms Committee to approve revisions to forms recommended by the Licensure Forms Committee for submission to the Department. Motion carried unanimously.

PROPOSED 2021 CREDENTIALING DELEGATION MOTIONS

Delegation of Authority to Credentialing Liaison

MOTION: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications.

Delegation of Authority to Department When Credentialing Criteria is Met

MOTION: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

Delegation of Faculty License Credentialing Decisions

MOTION: to delegate all faculty license credentialing decisions to the Board's Credentialing Liaison(s).

Delegation of Authority for Predetermination Reviews

MOTION: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

Delegation of Authority for Conviction Reviews

MOTION: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of Dentistry.

Or, alternatively,

MOTION: to delegate authority to Department Paralegals to review and approve applications with [optional: up to X] municipal/ordinance violations which are not substantially related to the practice of Dentistry.

MOTION: to delegate authority to Department Attorneys to review and approve applications with [optional: up to X] municipal/ordinance violations and misdemeanors [optional: each more than X years old and] which are not substantially related to the practice of Dentistry.

Delegation of Authority for Endorsement Reviews

MOTION: to delegate authority to the Department Attorneys to review and approve endorsement applications in which the applicant has successfully completed an examination that, in the board's judgment, is substantially equivalent to an examination administered by a board-approved testing service, or, alternatively, has successfully completed a board specialty certification examination in a dental specialty recognized by the American Dental Association.

Delegated Authority for Application Denial Reviews

MOTION: to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

~~Current~~ Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
- ~~7.~~8. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain ~~the signature of~~ written authorization from the Liaison to sign on their behalf.
- ~~8.~~9. Grant or deny a request to appear before the Board/Section in closed session.
- ~~9.~~10. Board Monitoring The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
- ~~10.~~11. (*Except Pharmacy and Medical*) Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

~~11.12.~~ *(Except Pharmacy)* Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.

- a. ~~Initial Year 1:~~ 49 screens (including 1 hair test, if required by original order)
- b. ~~1st Reduction Year 2:~~ 36 screens (plus 1 hair test, if required by original order)
- c. ~~2nd Reduction Year 3:~~ 28 screens plus 1 hair test
- ~~d. Year 4: 28 screens plus 1 hair test~~

- e. ~~Year 5: 14 screens plus 1 hair test~~
- d. 3rd Reduction: 14 screens plus 1 hair test

~~12.13.~~ *(Dentistry only)* Ability to approve or deny all requests from a respondent.

~~13.14.~~ *(Except Nursing)* ~~Board Monitoring~~ The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

~~Current~~ Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date When Request Submitted: 12/29/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date:	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 2. Walking Quorum: Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law. 3. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is 8 business days prior to a meeting. 4. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. 5. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the indicated start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 6. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely. 			
11) Authorization			
<i>Kimberly Wood</i>		12/29/2020	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kassandra Walbrun, Administrative Rules Coordinator		2) Date when request submitted: 11/24/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: 1/6/2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Review and Discussion 1. DE 2 Related to Approved Exam Testing Services –Statement of Scope 2. DE 11 Related to Anesthesiology - Statement of Scope and Sedation Permit Extension 3. Update on 2021 Biennial Report related to requirements under s. 227.29, Wis. Stats. 4. Pending or Possible Rule Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPP Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 1. Review and discussion draft Statement of Scope (attached pdf) 2. Review and discussion of draft Statement of Scope (attached pdf) 3. Review of Board members' review of any possible obsolete references, other statutory requirements on existing dentistry rules for the Board's 2021 report related to s. 227.29, Stats.			
11) Authorization <hr/> <div style="display: flex; justify-content: space-between;"> <i>Kassandra Walbrun</i> 11/24/2020 </div> <hr/> <div style="display: flex; justify-content: space-between;"> Signature of person making this request Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (if required) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date </div>			

STATEMENT OF SCOPE

Dentistry Examining Board

Rule No.: DE 2

Relating to: Approved testing services

Rule Type: Both Permanent and Emergency

1. Finding/nature of emergency (Emergency Rule only):

The Joint Commission on National Dental Boards has a new clinical examination which does not utilize live patients or manikins. Marquette University has requested the Dentistry Examining Board remove the live patient or manikin requirement to allow its graduates to have a pathway to initial licensure in light of the difficulties of arranging for live patients in the current pandemic situation. A delay for new graduates receiving licensure due to lack of availability of patient-based licensure exams creates the inability for new dentists to begin practice in areas of the state experiencing a dentist shortage.

2. Detailed description of the objective of the proposed rule:

The proposed rule will remove the requirement for approval that a testing service must have all their clinical exams include a practical component utilizing live human patients or simulated patients.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Currently in order for a testing service be approved, all the exams testing clinical knowledge must include a practical component on application of the basic principles utilizing live human patients or simulated patients.

The Joint Commission on National Dental Boards has a new clinical examination which was designed to reliably and accurately reflect the practice of clinical dentistry without utilization of a live patient or manikin. This clinical exam is similar to other health profession clinical examinations which test clinical knowledge, skills and judgement without utilization of a live patient or manikin. This clinical exam assesses candidates' clinical judgement and skills using sophisticated 3-D models.

The Dentistry Examining Board is pursuing the emergency rule to allow recent graduates another option for a licensing examination. The Dentistry Examining Board will solicit comments during the public hearing process to determine whether to pursue a permanent rule to provide for this option beyond the emergency rule timeframe.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

15.08(5)(b) Each Examining Board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

227.11 (2) (a) Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation...

[This rule interprets s. 447.04 (1) (a) 4. (Submits evidence satisfactory to the examining board that he or she has passed the national dental examination and the examination of a dental testing service approved Rev. 3/6/2012

by the examining board) by providing in rule the requirements for a dental testing service to meet in order to be considered approved by the Dentistry Examining Board.]

447.04 (1) (a) 6. Completes any other requirements established by the examining board by rule.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

100 hours

6. List with description of all entities that may be affected by the proposed rule:

Dentist applicants, students and schools.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. This rule is not likely to have a significant economic impact on small businesses.

Contact Person: Kassandra Walbrun, Administrative Rules Coordinator, (608) 261-4463

Authorized Signature

Date Submitted

STATEMENT OF SCOPE

DENTISTRY EXAMINING BOARD

Rule No.: DE 11

Relating to: Permits to Administer Anesthesia

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to clarify language within DE 11 related to permits for administering anesthesia and ensure it is current with statutory requirements and professional standards and practices.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Dentistry Examining Board has determined a need to clarify a provision related to the permitting requirements for dentists in administering anesthesia. Specifically, the Board will clarify a provision that requires completion of an accredited dental program in dental anesthesiology for Class III permits and review other permitting classes to ensure clarity in the requirements.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

15.08(5)(b) Each Examining Board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

447.02 (2) (b) The Examining Board shall promulgate rules specifying the standards, conditions and any educational requirements that are in addition to the requirements specified in s. 447.04 (1) that must be met by a dentist to be permitted to induce general anesthesia or conscious sedation in connection with the practice of dentistry.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

60 hours

6. List with description of all entities that may be affected by the proposed rule:

Dentists

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. It is not likely to have a significant impact on small businesses.

Contact Person: Kassandra Walbrun, Administrative Rules Coordinator, (608) 261-4463.

Authorized Signature

Date Submitted



Be The Difference.

School of Dentistry

Office of the Dean , 304
P.O. Box 1881
Milwaukee, Wisconsin 53201-1881

December 29, 2020

Dr. Matthew Bistan

Chair, Dentistry Examining Board

Department of Safety and Professional Services

Madison, Wisconsin

Dear Dr., Bistan,

On April 15, 2020 I submitted a letter to the Dentistry Examining Board requesting that consideration be given to multiple alternatives attain initial licensure because of the impact of the Covid-19 pandemic. At the time there was no alternative for graduates who had been caught up in the circumstances and impact of the pandemic with respect to the required patient-based exams.

The arrival of the pandemic this year had a major and long-lasting impact on the ability of the various testing agencies to conduct patient-based examinations for purposes of initial licensure. The ongoing limitations that will remain with respect to accommodating patient based or any other alternative exam that requires use of dental school facilities will be problematic for some time.

I would request that the Dentistry Examining Board consider a review the current statutes regarding testing for initial licensure and to consider language in the statute which provides more flexibility with respect to testing alternatives for initial licensure. I believe that the language in the current statute is restrictive and overly reliant on a limited range of specific tests. By increasing flexibility and providing more testing alternatives, the Dentistry Examining Board will be able to consider and accept additional clinical examinations that could be used to satisfy the requirement for a third-party review prior to initial licensure. Given the movement to accept several pathways for initial licensure in several states already, there are additional benefits related to enhancing portability of licensure which will ultimately benefit both dentists and patients requiring oral health care services.

I will be happy to attend the next Dentistry Examining Board Meeting on January 6th to discuss any aspect of this request and to answer any questions that you and your fellow board members may have in this regard.

Sincerely,

A handwritten signature in black ink that reads "William K. Lobb". The signature is written in a cursive style with a large, prominent 'W' and 'L'.

William K. Lobb DDS, MS, MPH

Dean and Professor